

Administrative - Internal Use Only

11 OCT 1978

REFERE

SUBJECT: Uniform Promotion System

1. This memorandum is being written to direct attention to a recently adopted policy in the field of personnel administration which appears to be completely unnecessary and which is expected to have a strong, adverse impact on employee morale. A further decline in employee morale, it is certain all will agree, is something we do not need when it is perhaps already at the lowest level in the history of the Agency.

2. The policy referred to in paragraph one is contained in one provision of the Uniform Promotion System effective 1 October 1978. Starting on that date, the policy prohibits any delay in promotions so that recipients might first receive within-grade salary (or periodic step) increases which would take them to higher salary steps when promoted. It appears that this policy may have been approved without full knowledge of the many ways in which it would or could impact upon those employees who will be promoted only one pay period, or a couple of pay periods, prior to attaining eligibility for within-grade salary increases at their grade levels prior to promotion.

3. Section I of the attached chart (Tab A) provides a picture of the impacts which could result from implementation of the policy in terms of differences in annual salary alone, utilizing the 1 October 1977 GS salary schedule. The impacts would, of course, increase over the years as legislative pay increases are granted. The chart reflects what could happen to a GS-12 being promoted to GS-13 and remaining an active employee for approximately twelve years thereafter. GS-12 to GS-13 promotion was selected for the illustration because GS-13 is the journeyman level for a significant number of employment categories within the Agency. There are additional actual or possible impacts of the policy relative to lump-sum payment for annual leave at time of retirement, retirement annuity, survivor benefits under CIARDS, and Federal Employees Group Life Insurance (FEGLI) benefits, to mention only a few. For example, in the case described in Section I of the attached chart, the following impacts would or might occur:

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a. \$210.00 less in lump-sum payment for annual leave on the books at time of retirement assuming payment for 500 hours at GS-13/7 (\$15.01 per hour) rather than at GS-13/8 (\$15.43 per hour).

b. Assuming CIARDS retirement with precisely 30 years of creditable federal government service, an annuity of \$173.40 less per year. If the employee were to live for 16 years after retiring, the total loss in annuity would be \$2, 774.00

c. Less survivor benefits under CIARDS since such benefits are based upon a percentage of the employee's annuity entitlement. This would also apply if the employee were to ~~pass~~ *die* away while in service.

d. \$1,000 less in FEGLI payment to beneficiaries if death were to occur after retirement. This would also be true if death took place while an active employee during any year in which his/her salary was in a \$1,000 bracket lower than it would have been had he/she originally been promoted to a higher step. (Allowable basic FEGLI coverage is the next thousand dollars to salary, plus two thousand.)

9 4. GS-12 to GS-13 promotion may not have been the best selection for the illustration in the attachment because, according to one provision of the President's Civil Service Reform package recently approved by the Congress, some or maybe all GS-13 to GS-15 personnel will be able to receive only meritorious increases and no longer will be eligible for regular within-grade salary increases. Newspaper accounts as to which GS-13 to GS-15's are included are confusing because they have specified GS-13 to GS-15 "supervisors or managers." Some who might attempt to dissuade management from rescinding the prohibition on delayed promotions, should it decide to consider such action, could use this as an argument. They may be answered with the following statements. First, it is not clear that all GS-13 to GS-15 personnel will be denied regular within-grade increases

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because of the Civil Service Reform legislation. Secondly, all of the impacts indicated in paragraph 3 and the attached chart would or could occur in cases of promotions to grades below GS-13. For most of the impacts the amounts would, of course, be less and would vary according to grade level. Also, the lower the level at which an employee is first denied a within-grade increase makes chances greater that it could happen again as he/she progresses up the grade ladder, thus compounding the impact.

5. It is interesting to note that the attached Headquarters Notice (Tab B) contains no mention of the prohibition on delayed promotions. The omission could have been inadvertent, but there is also a good possibility that the Deputy Director for Administration recognized the potential of the policy to create a serious morale problem and purposely omitted it from the notice. In either event, if the policy is to stand, employees should be advised of its existence because it is one which could impact upon some of them for the rest of their lives and also upon their survivors.

6. The schedule of months for promotions to the various grade levels approved in connection with the Uniform Promotion System is, it is believed, also ill-conceived. It is so designed that it will in many instances compound the impact (impacts) resulting from the prohibition on delayed promotions. The schedule in the attached Headquarters Notice provides for promotions in descending grade order with those to higher grade levels earlier in any fiscal year than those to lower levels. For example, it calls for promotions to GS-14 in November and to GS-13 in December. Therefore, if the individual described in Section I of the attached chart were to be promoted to GS-14 in November 1987, a couple of pay periods prior to receiving a step increase to GS-13/7, the impact (impacts) on him/her would be still greater as indicated in Section II of the chart.

7. If the policy prohibiting delayed promotions is based upon a Civil Service Commission requirement, which is not believed to be the case, then it should stand. If there is no such requirement, it is fervently hoped that it will be rescinded so that the Agency may once more

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be recognized as one which gives full weight to employee considerations when formulating its policies in the field of personnel administration. Recision of the prohibition does not mean that all promotions to a particular grade level could not be presented at the same time which appears to be the primary aim of the Uniform Promotion System. There is no valid reason why those whose promotions would be delayed for a reasonable time could not receive certificates at the same time as all others being promoted to the same grade.

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Section I of the chart which follows indicates the impact (impacts) on annual salary only, for an individual who might be promoted from GS-12 to GS-13 on 3 December 1978 and who would qualify for a higher step at GS-13 if the promotion was delayed until 17 December when the individual concerned would complete the 104 week waiting period for advancement from step 4 to step 5 at GS-12. If promoted from GS-12, Step 4, the individual would go to GS-13, Step 1. If promoted from GS-12, Step 5, the advance would be to GS-13, Step 2.

Section II of the chart indicates how the impact (impacts) would increase if the same individual also were to be promoted to GS-14 in November 1987 just short of nine years later and a few weeks before receiving a step increase to GS-13, Step 7.

~~Administrative - Internal Use Only~~Section I

<u>Salary Period</u>	<u>If Promoted To GS-13/1</u>	<u>If Promoted To GS-13/2</u>	<u>Impact</u>
Dec 78 - Nov 79	\$26,022 (Step 1)	\$26,889 (Step 2)	-\$867.00
Dec 79 - Nov 80	\$26,889 (Step 2)	\$27,756 (Step 3)	-\$867.00
Dec 80 - Nov 81	\$27,756 (Step 3)	\$28,623 (Step 4)	-\$867.00
Dec 81 - Nov 82	\$28,623 (Step 4)	\$28,623 (Step 4)	-----
Dec 82 - Nov 83	\$28,623 (Step 4)	\$29,490 (Step 5)	-\$867.00
Dec 83 - Nov 84	\$29,490 (Step 5)	\$29,490 (Step 5)	-----
Dec 84 - Nov 85	\$29,490 (Step 5)	\$30,357 (Step 6)	-\$867.00
Dec 85 - Nov 86	\$30,357 (Step 6)	\$30,357 (Step 6)	-----
Dec 86 - Nov 87	\$30,357 (Step 6)	\$31,224 (Step 7)	-\$867.00
Dec 87 - Nov 88	\$31,224 (Step 7)	\$31,224 (Step 7)	-----
Dec 88 - Nov 89	\$31,224 (Step 7)	\$31,224 (Step 7)	-----
Dec 89 - Nov 90	\$31,224 (Step 7)	\$32,091 (Step 8)	-\$867.00
TOTAL IMPACT IN 12 YEAR PERIOD			-\$6,069.00

Section II

<u>Salary Period</u>	<u>If Promoted to GS-14/3</u>	<u>If Promoted to GS-14/4</u>	<u>Impact</u>
Nov 87 - Oct 88	\$32,800 (Step 3)	\$33,825 (Step 4)	-\$1,025.00
Nov 88 - Oct 89	\$33,825 (Step 4)	\$33,825 (Step 4)	-----
Nov 89 - Oct 90	\$33,825 (Step 4)	\$34,850 (Step 5)	-\$1,025.00

PERSONNEL

11 September 1978

STATINTL

DEVELOPMENT OF THE UNIFORM PROMOTION SYSTEM

STATINTL

Reference: [REDACTED]

STATINTL

1. This notice highlights some of the more significant features of the Uniform Promotion System announced in [REDACTED]. Also provided is specific information on revised Fitness Report schedules and the dates established for promotion of all grades. Change has been directed toward achievement of a primary management goal--increased employee awareness of promotional opportunities. The new system includes the following major innovations:

- a. Agency-wide uniform promotion schedules by grades.
- b. A minimum annual target for promotion of qualified employees for each grade, established by appropriate Career Services or Subgroups and published for the information of all employees.
- c. Specific Career Service criteria for promotion, published by the Career Service or Career Service Subgroup.
- d. An evaluation panel system to be used by all Career Services in determination of eligibility for promotion. Panel rankings and recommendations can be changed only by the Director.
- e. Certificates of Promotion.

2. On 12 July 1978 the Deputy Director of Central Intelligence approved a revised Fitness Report schedule and a promotion schedule keyed to the Fitness Report dates. The promotion exercises may be annual or semiannual at the option of the Career Services or Career Service Subgroups.

3. There will be no established schedule for promotion to grades GS-06 and below. Employees in these grades will be promoted on the basis of merit, within Career Service criteria for promotion, panel evaluations, headroom, and the availability of properly graded positions.

4. The revised Fitness Report schedules will be operative for all Career Services, except the D Career Service, as of 1 October 1978. The D Service will establish its own Fitness Report schedule to meet the Agency promotion dates. Where the semiannual promotion option is elected, the first exercise in FY 1979 may be effective with either date noted on the schedule. To avoid an undue period without an evaluation of performance for GS-12 and 13 employees, there will be a one-time out-of-phase evaluation for the period ending 31 December 1978.

STATINTL

PERSONNEL

11 September 1978

UNIFORM PROMOTION SCHEDULE

<u>Current Grade</u>	<u>New Fitness Report Period End Date</u>	<u>PROMOTION TO NEXT GRADE</u>	
		<u>Effective First Pay Period in Month Annual Option</u>	<u>Semiannual Option</u>
GS-15 and above	31 March	July	January
GS-14	30 April	September	March
GS-13	30 June	November	May
GS-12	31 July	December	June
GS-11	31 August	January	July
GS-10	30 September	February	August
GS-09	30 September	February	August
GS-08	31 December	May	November
GS-07	31 December	May	November
GS-06	31 January	June	December
GS-05 and below	31 March	U N S C H E D U L E D	

JOHN F. BLAKE
Deputy Director
for
Administration

DISTRIBUTION: ALL EMPLOYEES

☐ UNCLASSIFIED

☐ INTERNAL

☐ CONFIDENTIAL

☐ SECRET

Approved For Release 2001/09/05 : CIA-RDP81-00142R000500060007-7

ROUTING AND RECORD SHEET

DD/A Registry

File *Personnel-12*

SUBJECT: (Optional)

Uniform Promotion System

FROM:

DDO/C/CMS

EXTENSION

NO.

DATE

12 October 1978

26X1A

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1.

DDA

16 OCT 1978

JS

A/DDO says he mentioned this to DDCI during recent Conference and asked that I send you a copy.

2.

D/Pers

3.

St. Ma

4.

5.

6.

7.

8.

9.

10.

Fred
Would you please prepare a note for me to John Stein re the attached

"Fred

"Would you please prepare a note ^{from} for me to John Stein re the attached. Thnx. /s/Jack B."

DDA:JFBlake:kmg (16 Oct 78)

Distribution:

- Orig RS - D/Pers w/att
- 1 - DDA Subj w/att
- 1 - DDA Chrono
- 1 - JFB Chrono

15.

Approved For Release 2001/09/05 : CIA-RDP81-00142R000500060007-7

and health insurance, suspension or removal for national security reasons, examination, certification and appointment. Scope of bargaining is automatic, unless parties negotiate a lesser scope.

Negotiated grievance procedure is exclusive forum for bargaining unit employees to seek redress on matters covered - except in adverse action and discrimination cases, employee may choose either the negotiated grievance or statutory appeals procedure, but not both.

Standard of evidence in arbitration cases to be same as in appeals covered by title II (substantial evidence for performance cases, preponderance of the evidence for all other cases).

Arbitration awards may be reviewed by FLRA on limited grounds. Judicial review is available only in adverse action and discrimination complaint cases. (Final decision in arbitration involving discrimination is subject to EEOC review or to procedures applicable to MSPB in such cases.)

Issue of grievability/arbitrability to be decided by arbitrator -- subject to appeal to FLRA.

Greater authority for back-pay remedies in unjustified or unwarranted personnel actions -- attorney fees awarded in grievances on same grounds as set forth in title II for MSPB award of attorney fees.

Impasses

If voluntary arrangements, including mediation, fail to resolve bargaining impasse, either party may request consideration by the Federal Service Impasses Panel, which can then direct a settlement.

Parties may use arbitration to resolve bargaining impasse only when authorized or directed by Impasses Panel.

Appropriate Unit and Exclusive Recognition

Three criteria for FLRA determinations of unit appropriateness: community of interest, effective dealings, and efficiency of operations.

Provides 45-day "open-season", tied to term of negotiated agreement, for rival union challenges against incumbent exclusive union.

Secret-ballot election required in all cases to obtain exclusive recognition (but not for consolidation of existing smaller units).

Current provisions and conditions for consolidating established bargaining units continue.

Unfair Labor Practices

Includes:

- Interfering with employee rights under the labor relations program
- Encouraging or discouraging union membership
- Sponsoring or controlling a labor organization (by any agency)
- Taking reprisal against employee for filing a complaint
- Refusing to bargain
- Discriminating for prohibited reasons
- Hindering employee productivity (by union)
- Calling or engaging in a strike, slowdown, or picketing that interferes with Government operations
- Failing to comply with any provision of the labor relations program
- Failing or refusing (by agency or union) to cooperate in impasse procedures and decisions
- Enforcing agency regulations conflicting with a negotiated agreement.

Expressly directs FLRA to withdraw recognition or order lesser action if, after hearing, union is found to have violated the unfair labor practice provision against strikes or slowdowns.

Employees, including supervisors and management officials, expressly permitted to stage get-out-the-vote campaigns, set record straight on any false or misleading statements, and state Government's policy relating to labor relations or representation -- during organizing or pre-election period.

Standards of conduct for labor organizations are administered and enforced by the Assistant Secretary of Labor for Labor-Management Relations.

FLRA is also authorized to seek temporary restraining orders in unfair labor practice cases. General Counsel of FLRA is authorized to provide for informal settlement through regulations.

Union Security

Agencies are required to deduct dues at exclusive union's request. Allotments are voluntary and irrevocable for 1 year; withholding of dues is without a service charge to the employee or labor organization. Dues withholding is authorized for unions with 10 percent or more membership in appropriate bargaining units where there is no exclusive representative.

Official time for employee negotiators is authorized to the same extent management negotiators are on paid time.

Judicial Review/Enforcement

Final decisions of FLRA are subject to judicial review except for appropriate unit determinations and arbitration awards (other than those involving unfair labor practices). FLRA can seek court enforcement of its orders.

Prevailing Rate Employees

Changes in statute are not to limit the bargaining of wages for Federal prevailing rate employees covered by section 9(b) of P.L. 92-392, in accordance with prevailing rates and practices and without regard to any other provision of law. Also provides for bargaining on other conditions of employment which had been negotiated prior to the effective date of P.L. 92-392.

GRADE AND PAY RETENTION (Title VIII)

Employees under the General Schedule, any prevailing rate system, or the merit pay system who are placed in a lower graded position as a result of a reduction in force necessitated by any reason or as a result of job reclassification action are entitled to retain the grade and pay of the former position for two years from the date they are placed in the lower graded position.

- May be applied in reduction in force only if employee was in the position at the higher grade or a grade above for at least one year prior to action.
- May be applied on reclassification only if former position was classified at the higher grade continuously for at least one year.

After two years:

- Employee is placed in lower grade
- Pay is set at appropriate rate of the lower grade or 150% of the maximum rate for the grade in which the employee is placed; plus 50% of any annual comparability adjustment until the rate of the employees new grade equals or exceeds the individual's pay.

Grade retention terminates when an employee:

- Has a break in service of one workday or more
- Is demoted for personal cause or at the employee's request
- Is placed in or declines a reasonable offer of a position with equal or higher grade
- Elects in writing to have the benefits terminate.

Pay retention terminates when an employee:

- Has a break in service of one workday or more
- Is entitled to the rate of pay, or declines a reasonable offer of a position with a rate of pay which is equal to or higher than the retained rate
- Is demoted for personal cause or at the employee's request.

OPM may require agencies to:

- Report vacancies available to employees whose positions are downgraded
- Take steps to assure that employees affected have the opportunity to acquire qualifications for selection to positions which would minimize the need to apply these provisions
- Establish a priority placement program for employees affected
- Place affected employees even though they are in another agency.

Employees affected:

- Entitled to appeal to OPM termination of benefits as a result of a declination of an offer of another position with grade or pay equal to that prior to the reduction
- Retain classification and reduction in force appeal rights as provided by law or OPM regulation

- Otherwise, employees are not entitled to appeal actions taken or termination of benefits under statutory appeals or negotiated grievance procedures.

These provisions are retroactively effective for actions taken on or after January 1, 1977 for employees continuously employed since then.

PROVISIONS OF ACT	AGENCY COVERAGE/EXCLUSIONS													EMPLOYEE COVERAGE/EXCLUSIONS										NOTES
	All Executive Agencies Except As Noted	Agencies/Units Excluded By President	CIA, NSA, DIA	FBI		Government Corporations	Postal Service	GAO	GPO	Library of Congress	Botanic Garden, Architect of Capitol	Cong. Budget Office	Admin Ofc of US Courts	Fgn Service personnel	SES Executives	LEA Appointees	NEA Appointees	Competitive Service	Schedule C Excepted	Certain DEA Excepted	Other Excepted	Other		
<u>TITLE I</u> Merit System Principles (5 USC 2301)	C	N/A	C	C		C	E	C	C	E	E	E	C		C	C ²	C	C ³	C	C ³	C	C	--	1/ Separate whistle blower provisions in Sec. 2303. 2/ All must abide; only career protected. 3/ Must abide, but not protected. †
Prohibited Personnel Practices (5 USC 2302) (Violators subject to Special Counsel investigation and prosecution before MSPB pursuant to 5 USC 1206 - 1208 in Title II)	C	E	E	E ¹		E	E	E	C	E	E	E	C	C	C ²	C	C ³	C	C ³	C	C	--		
<u>TITLE II</u> Performance Appraisal System (other than SES) (5 USC 4301-4303)	C	E	E	C		E	E	E	C	E	E	E	C	E	E	C	E	C	E	E	C	E ⁴	4/ VA DMS physicians, dentists, nurses; employees outside US under native prevailing rate; Presidential appointees; excepted by OPM.	

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Adverse Action Procedures																							
- Suspensions of 14 days or less (5 USC 7501-7504)	C	E	E	E		E ^{5/}	E	C	C	E	E	E	C	E	E	C	E	C	E	E	E	--	^{5/} Depending on agency's enabling legislation.
- Removal, suspensions over 14 days, reductions in grade or pay, furloughs (5 USC 7511-7513)	C	N/A	E	E		C ^{7/}	C ^{6/}	C	C	E	E	E	C	C ^{6/}	E	C	E	C	E	E	C ^{6/}	E ^{8/}	^{6/} Veteran Preference eligibles only. FSOs excluded regardless. ^{7/} Unless in excepted service (e.g. TVA). ^{8/} Others excepted by President or
<u>TITLE III</u>																							
Probationary period for new supervisors (5 USC 3321)	C	E	E	E		E ^{1/}	E	C	C	E	E	E	C	E	E	E	E	C	E	E	E	--	
Notification of USES of vacancies (5 USC 3321)	C	N/A	E	E		E	E	C	C	E	C ^{9/}	E	C	E	C	C	E	C	E	E	C ^{9/}	--	^{9/} Unless positions excepted by statute

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Minority Recruitment Program (5 USC 7151) ^{a/}	C	N/A	C	C		C	E	C	E	E	E	E	E	C	C	C	C	C	C	C	C	--	^{a/} Coverage not clear. ^{10/} Career appointees only.
<u>TITLE IV</u>																							
SES Coverage (5 USC 3132)	C	E	E	E		E	E	E	E	E	E	E	E	E		^{10/}				E			
Removal, reinstatement, guaranteed placement provisions (5 USC 3591-3594)																^{10/}							
Performance appraisals in SES (5 USC 4311-4314)																C							
Award of SES ranks with cash awards (5 USC 4507)																C	^{10/}						
SES Performance Awards (5 USC 5384)																C	^{10/}						
SES Disciplinary Actions (5 USC 7541-7543)																C	^{10/}						

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<u>TITLE V</u> Merit Pay for Supervisors and Managers (GS-13 to 15 under General Schedule only) (5 USC 5401-5404)	C	E	E ^{12/}	C		C ^{13/}	E	C	C	C	E	C	E	E	E	E	C	C	C	C	--	^{12/} DIA covered. ^{13/} Covers only corporations with positions under GS, e.g. TVA, Alaska Railway, Panama Canal Co. excluded.
<u>TITLE VI</u> Research and Demonstration Projects (5 USC 4701-4703)	C	E	E	E	E	E	E	C	E	E	E	C	C	C	C	C	C	C	E	C	--	
IPA Mobility Amendments (Sec. 603)	C	N/A	C	C	C	C	C	C	C	C	C	C	C	C ^{14/}	C	E	C	E	C	C	C ^{15/}	^{14/} Career appointees only. ^{15/} OPM may extend provisions to other agencies of legislative and judicial branches.

ROUTING AND RECORD SHEET

SUBJECT: (Optional)

Uniform Promotion System

FROM:

DDO/C/CMS

EXTENSION

NO.

DATE

12 October 1978

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1.

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[Handwritten initials]

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